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527 CMR: BOARD OF FIRE PREVENTION REGULATIONS

527 CMR 25.00: OBSTRUCTIONS AND HAZARDS IN CERTAIN BUILDINGS AND ON PUBLIC OR PRIVATE WAYS

Section

- 25.01: Definitions
- 25.02: Public and Private Ways
- 25.03: Exterior Access to Buildings Designed for Retail Occupancy
- 25.04: Interior of Buildings Used for Retail Purposes
- 25.05: Commercial and Institutional Occupancy Buildings
- 25.06: Buildings of Industrial Occupancy
- 25.07: Buildings of Habitable Occupancy
- 25.08: Public and Private Property
- 25.09: Removal of Obstructions and/or Hazardous Materials

25.01: Definitions

For the purpose of 527 CMR 25.00, the following terms shall have the meanings respectively assigned to them:

Approved. Approved by the State Fire Marshal.

Building. Any structure used in accordance with the occupancies noted in 527 CMR 25.00, such structure not to include one, two, or three-family dwellings.

Occupancies.

- (a) Retail. Any building to which the public may have ready access at certain times for the purpose of purchasing goods or services but not including buildings having professional occupancies such as doctors, dentists, lawyers, architects, engineers, etc.
- (b) Commercial and Institutional. Any building used primarily for the conducting of one or more business enterprises to which the public has access but which are not primarily devoted to the sale of actual goods that may be carried away by the public. Such buildings may include schools, colleges, laboratories, restaurants, business offices, banks, warehouses, etc. Retail occupancy in one or more of the first three floors of a multi-story commercial building will be allowed without altering the commercial designation of said building.
- (c) Industrial. Any building used for the manufacture of products.
- (d) Habitable. Any building, institution, or residence designed to house more than three families where people regularly sleep. This includes dormitories, condominiums, hospitals, hotels, rooming houses, nursing homes, etc. Sections of a multiple residence structure that are separated by at least the equivalent of a six-inch thick concrete block wall shall be considered single buildings in accordance with 527 CMR 25.00.

Hazardous Substance. Any liquid, solid, or gas which is toxic, flammable, explosive, or reactive when combined with other substances within the immediate vicinity of the substance, or any substance which could increase the intensity or the spread of fire out of proportion to the normal materials present in the area.

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527 CMR: BOARD OF FIRE PREVENTION REGULATIONS

Obstruction. Any fixed object, such as but not limited to a fence, post, pole, wall, ditch, or any movable object such as but not limited to a gate, barrel, tank, motor vehicle or truck whether registered or unregistered, temporary structure of metal or wood, or other physical barrier which might prevent the access of firefighters or firefighting equipment.

25.02: Public and Private Ways

If the head of the fire department determines that an obstruction exists or that there is a quantity of hazardous material stored on a public or private way or access area contiguous to any of the buildings referred to in 527 CMR 25.00 which might prevent the access of fire apparatus or firefighting personnel to the contiguous building, he shall have the authority to have such obstruction or hazardous material removed by the owner.

25.03: Exterior Access to Buildings Designed for Retail Occupancy

The plan for any new retail building shall include an access for fire equipment on at least two sides of the building, such access to be approved by the head of the fire department on the plans prior to construction of the building. Access to present buildings shall be kept clear of hazardous substances and obstacles which may, in the opinion of the fire department, impede the proper placement of fire apparatus and personnel in case of fire.

25.04: Interior of Buildings Used for Retail Purposes

The head of the fire department will inspect retail establishments and may direct the owner or operator of such building relative to maintaining clear aisles and exits free of obstructions and hazardous substances. The head of the fire department may also direct the operator of the establishment to locate hazardous substances in certain areas of the building so that there will be less danger to the public in case of fire.

25.05: Commercial and Institutional Occupancy Buildings.

The head of the fire department shall inspect the outside access to such buildings to make certain that suitable areas are provided for the stationing of fire apparatus for rescue and fire extinguishment purposes and that sufficient unimpeded entrances and exits exist for the entrance of firefighting personnel and the evacuation of the building. The interior of the building shall be inspected by the head of the fire department to ascertain that all exits and main corridors are free of obstruction and that hazardous materials, if kept in such buildings, shall be located in a place designated by the head of the fire department. If the head of the fire department believes that obstructions or hazardous substances present an impediment to the evacuation of the building or the access of the fire department, he may have such obstacles or hazardous substances removed.

25.06: Buildings of Industrial Occupancy

Access for fire apparatus shall be provided on at least one side of every industrial type building, such access to be kept clear of all obstacles and hazardous materials as the head of the fire department may direct. The interior corridors and exitways of all such buildings shall also be kept clear of obstacles and hazardous materials as directed by the head of the fire department,

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527 CMR: BOARD OF FIRE PREVENTION REGULATIONS

who shall inspect all such buildings at least once each year at any time without prior notice provided it is during the normal working hours of such institution.

25.07: Buildings of Habitable Occupancy

Each building built for residential occupancy after the approval of 527 CMR 25.00 shall include a suitable paved access for fire apparatus on at least one side of the structure. In addition, a clear, unobstructed way shall be provided from such fire apparatus access point to all exits of such building. The head of the fire department shall inspect such access areas and order any obstacles or hazardous materials removed at his discretion. The head of the fire department shall also inspect the interior of such buildings at a reasonable hour and shall make certain that corridors, hallways, and other exitways are clear of obstacles and hazardous materials which might prevent the timely evacuation of the building or the efficient operation of the firefighting personnel in case of fire or explosion.

25.08: Public and Private Property

Hazardous substances shall not be left unattended within 100' of any building without a permit from the head of the fire department. If, in his opinion, the nature of the hazard requires a greater separation from the building, the head of the fire department may so dictate. The head of the fire department may order hazardous materials to be removed from any public or private property if the presence of such material does not comply with 527 CMR 25.00 or with other regulations of 527 CMR.

25.09: Removal of Obstructions and/or Hazardous Materials

If the head of the fire department determines that an obstruction exists or that there is a quantity of hazardous material stored that must be removed in accordance with 527 CMR 25.00, he shall have the authority to require such obstruction or hazardous material removed by the owner. If after an inquiry to persons within the building involved or within the contiguous building and after making obvious inquiries concerning the owner of such obstruction, such owner is unavailable, the head of the fire department may have the obstruction removed by others at his discretion. The cost of such removal will be borne by the owner if and when located.

REGULATORY AUTHORITY

527 CMR 25.00: M.G.L. c. 22, §14; c. 148, §28.